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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,336	05/01/2001	Toshiya Uemura	PW 280291 T36-131965M/KOH	2254

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EXAMINER

HUYNH, ANDY

ART UNIT PAPER NUMBER

2818

DATE MAILED: 01/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/845,336

Applicant(s)

UEMURA ET AL.

Examiner

Andy Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-14 is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☒ Claim(s) 3-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-14 are pending in this application.

Information Disclosure Statement

1. This office acknowledges receipt of the following items from the applicant: Information Disclosure Statement (IDS) filed on May 01, 2001 and made of record as Paper No. 2. The references cited on the PTOL 1449 form have been considered.

Priority

2. Acknowledgment is made of applicants' claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copies have been filed in JAPAN Application No. 2000-131933, filed on 05/01/2000, and Application No. 2000-154184, filed on 05/25/2000.

Drawings

3. The drawings are objected for the following reason.

Figure 4B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, insofar as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Figure 4B of Applicants' admitted prior art.

Regarding **claim 1**, Figure 4B of Applicants' admitted prior art disclose that a group III nitride compound semiconductor light-emitting device (50), comprising: a semiconductor laminate portion including a light-emitting layer (54); and a reflection surface (55) disposed so as to be opposite to a side surface of said semiconductor laminate portion, wherein said semiconductor laminate portion and said reflection surface are provided in one and the same chip (see Background of the Invention, p. 21, lines 24-25, p. 22, lines 1-9).

Regarding **claim 2**, Figure 4B of Applicants' admitted prior art disclose that a group III nitride compound semiconductor light-emitting device wherein said reflection surface reflects light from said side surface of said semiconductor laminate portion into a direction of an optical axis of said light-emitting device (see Background of the Invention, p. 1, lines 16-22).

Allowable Subject Matter

5. **Claims 3-7** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. **Claims 8-14** are allowed. The following is a statement of reason for the indication of allowable subject matter:

Claims 8-14 are considered allowable since the prior made of record and considered pertinent to the applications' disclosure do not teach or suggest the claimed limitations. Figure 4B of Applicants' admitted prior art does not teach the claimed invention having a laminate of

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group III nitride compound semiconductor layers inclusive of a light-emitting layer; a groove formed in said laminate; and a reflection surface formed on an outer side surface of said groove.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Shibata'076, Ikeda'277, and Koike et al.'416 are cited as of interest.

8. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) day from the day of this letter. Failure to respond within the period for response will cause the application to become abandoned (see M.P.E.P 710.02(b)).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Huynh, (703) 305-0089. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. The examiner's supervisor, David Nelms can be reached on (703) 308-4910. The Fax number for the organization where this application or proceeding is assigned is (703) 308-7724. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose phone number is (703) 308-0956.



Andy Huynh



David Nelms
Supervisory Patent Examiner
Technology Center 2800

01/16/02